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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,000	01/17/2001	Jonathan Fine	20-073-JF	7718

32118 7590 02/12/2003

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EXAMINER

PHILLIPS, CHARLES E

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3751

This is in response to the brief on appeal filed 11/12/02.

(1) *Real Party in Interest*

The brief does not contain a statement identifying the Real Party in Interest. Therefore, it is presumed that the party named in the caption of the brief is the Real Party in Interest, i.e., the owner at the time the brief was filed. The Board, however, may exercise its discretion to require an explicit statement as to the Real Party in Interest.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

This appeal involves claims 1-20.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

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(6) *Issues*

The appellant's statement of the issues in the brief is substantially correct. The changes are as follows: Appellant lists Nachbauer et al and Jones et al. neither of these references have plural inventors.

(7) *Grouping of Claims*

Appellant's statement of the status of the claims is correct.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,927,111	Nachbauer	7/27/1999
5,588,316	Jones	12/31/1996

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 5, 6 and 9 are rejected under 35 U.S.C.(b) as being anticipated by Nachbauer

These claims are styled as sub-combination "faucet lock" and not a combination of the faucet lock and the "wrist blade".

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Nachbauer teaches the base at 14 and bracket at 11. This device is capable of use with a “wrist blade” type handle and the side walls of 11, particularly the front most side wall would inherently meet the last line of claim 1.

Claims 1, 2, 4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones.

The base is the right most element 38 of Figs. 1 and 3, the bracket is the left most 30, being adjustably attached via 40 cooperating with 46. The capable use here is as set forth supra.

Claims 3, 7, 8 and 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nachbauer and Jones.

The species were said to be obvious variants by applicant in paper #5. Fig. 1 has been examined on the merits and claims drawn thereto have been rejected supra. In view of applicant's admission these claims believed directed to embodiments other than Fig. 1 are deemed obvious over Fig. 1 and therefore unpatentable over the art here as set forth supra.

(11) *Response to Argument*

Claim 1 which calls for a “base” and “a bracket” is met by elements 14 and 11 respectively of Nachbauer and the right most element 38 of Figs. 1 and 3 of Jones and the “bracket” is the left most element 30 being adjustably attached via 40 cooperating with 46. Either device being capable of use with a “wrist blade” type handle in by element 11 and in the latter by any desired portion of the grid “W”. While the claims are interpreted in light of the specification, it is not proper to read limitations from the disclosure into the claims at bar.

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The rejection of claims 3, 7, 8 and 10-20 under 35 USC 103 is proper as stated in the Final Rejection, in that appellant has admitted in paper #5 that these claims are not patentable over the claims rejected supra as being obvious variants of Fig. 1 as stated in the Final Rejection at the top of page 3, since these claims are drawn to embodiments other than Fig. 1.


With respect to the last paragraph of page 10, there is no proposed combination of references. Further the arguments of pages 11 and 12 are not germane to the rejection tendered.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Charles E. Phillips
Primary Examiner

Charles Phillips:lf
February 5, 2003

conf: R. Fetsuga 
T. Maust
